IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TODD ALLEN DELLAHOY, SR.,	}
Petitioner,	Civil Action No. 06-249 Erie
V.	
GATEWAY OF ERIE, et al.,	
Respondents.	}

MEMORANDUM ORDER

This habeas corpus action was received by the Clerk of Court on October 25, 2006, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 20], filed on June 26, 2007, recommended that Petitioner's Petition be dismissed for failure to prosecute and that the motion to dismiss filed by Respondent Gateway of Erie [Doc. No. 19] be granted. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail and on Respondents. No objections were filed. After <u>de novo</u> review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 16th day of July, 2007;

IT IS HEREBY ORDERED that the Petitioner's Petition for Writ of Habeas Corpus is DISMISSED for failure to prosecute and the motion to dismiss filed by Respondent Gateway of Erie [Doc. No. 19] is GRANTED.

The Report and Recommendation [Doc. No. 20] of Magistrate Judge Baxter, filed on June 26, 2007, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin United States District Judge

cm: All parties of record Susan Paradise Baxter, U.S. Magistrate Judge